

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FERNANDO HERNANDEZ, KENNETH CHOW,
BRYANT WHITE, DAVID WILLIAMS,
MARQUIS ACKLIN, CECILIA JACKSON,
TERESA JACKSON, MICHAEL LATTIMORE
and JUANY GUZMAN, Each Individually, And On Behalf Of
All Other Persons Similarly Situated,

Plaintiffs,

-against-

THE FRESH DIET INC.,
LATE NIGHT EXPRESS COURIER SERVICES, INC. (FL),
FRESH DIET EXPRESS CORP. (NY),
THE FRESH DIET - NY INC. (NY),
FRESH DIET GRAB & GO, INC. (FL) a/k/a
YS CATERING HOLDINGS, INC. (FL) d/b/a
YS CATERING, INC. (FL),
FRESH DIET EXPRESS CORP. (FL),
SYED HUSSAIN, Individually,
JUDAH SCHLOSS, Individually,
and ZAIMI DUCHMAN, Individually

Defendants.
-----X

12 CV 4339 (ALC)(JLC)

**DECLARATION OF
WALKER G. HARMAN,
JR. IN SUPPORT OF
PLAINTIFFS' MOTION
FOR PRELIMINARY
CLASS ACTION
CERTIFICATION
PURSUANT TO FED. R.
CIV. P. 23**

WALKER G. HARMAN, JR., declares, pursuant to 28 U.S.C. § 1746, and
subject to the penalties for perjury, that:

1. I am an attorney duly admitted to practice in the Courts of the State of
New York and in the United States District Court for the Southern District of New York
(WH-8044).

2. I am the founder of and principal attorney at The Harman Firm, PC ("The
Harman Firm"), counsel for the Plaintiffs. As such, I am fully familiar with the facts and
circumstances of this action, the basis of my knowledge being the files and data
maintained by my office and the time that I have spent working on this action.

3. I submit this Supplemental Declaration in support of the Plaintiffs' Reply

in Support of their Motion for Preliminary Class Action Certification pursuant to Fed. R. Civ. P. 23.

4. Annexed hereto as *Exhibit A* is the agreement that all Defendant Late Night Express Courier Services, Inc. required its drivers to sign prior to working with Defendants.

5. Annexed hereto as *Exhibit B* is a selection of three (3) delivery manifests, assigned by Defendant to all drivers in the class, including to Plaintiffs and putative Plaintiffs. Defendants prepared these documents and distributed them daily to Plaintiffs, who then proceeded to make the listed deliveries and complete the forms as required. Defendant produced hundreds of such documents to Plaintiffs. I have reviewed these documents and believe them to be accurate.

6. *Exhibits C–N* to Plaintiffs' Reply are annexed to my Declaration dated May 20, 2014, submitted with Plaintiffs' second Motion for Class Certification.

7. I declare under penalty of perjury, under the laws of the United States of America and the laws of the State of New York that the forgoing is true and correct.

Dated: New York, New York
July 1, 2014

Respectfully submitted by:

s/
Walker G. Harman, Jr. [WH-8044]
THE HARMAN FIRM, PC
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